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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,939	03/21/2002	Robert W Gilbert	BRI - 00064	4760

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EXAMINER	
ALLEN, DENISE S	

ART UNIT	PAPER NUMBER
2872	

DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/088,939	GILBERT, ROBERT W	
	Examiner	Art Unit	
	Denise S Allen	2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 March 2002* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference 60 (page 5 line 4). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Figure 5 reference 9. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 29 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The limitations of claim 29 are identical to the limitations of claim 20 from which it depends.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 – 3, 6 – 12, 15 – 21, and 24 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newdigate (US 3,712,703) in view of Menzies et al (US 4,136,925).

Regarding claims 1, 12, and 21, Newdigate teaches a vehicle mirror assembly comprising: a mirror frame (reference 46); a rotor (references 22 and 24) rotatably mounted with respect to the mirror frame (column 2 lines 15 – 18); a member for rotating (references 28 and 70) the rotor with respect to the mirror frame (column 2 lines 26 – 34 and column 3 lines 4 – 11); a connection member (reference 12) operably interposed between the rotor and the mirror frame allowing pivoting of the rotor with respect to the mirror frame (column 2 lines 35 – 43); and a mirror (reference 26), having a reflective surface (column 2 lines 18 – 20), mounted with respect to the rotor so that the surface remains substantially parallel to the plane in which the rotor rotates (Figure 1 references 24 and 26 are parallel) and substantially normal to the rotational axis of the rotor (Figure 1 reference 26 is normal to the axis of reference 22). Newdigate does not teach that the rotor stabilizes the mirror against tilting vibrational movement.

Menzies et al teaches a vehicle mirror assembly with a rotor (assembly shown in Figure 2) and a mirror (reference 39), wherein the rotor stabilizes the mirror against tilting vibrational movement (Abstract lines 3 – 6 and column 3 lines 3 – 57). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the rotor of Menzies et al in place of the rotor in the vehicle mirror assembly of Newdigate in order to improve the clarity of the reflected image (Menzies et al column 1 lines 28 – 56).

Regarding claims 2, 12, and 21, Newdigate teaches the connection member is arranged and constructed such that the angle of the mirror surface, with respect to the mirror frame, can be adjusted (column 2 lines 35 – 43).

Regarding claims 3, 12, and 21, Newdigate teaches a support portion (references 17 and 18) interposed between the mirror frame and the rotor, the support portion supporting the rotor.

Regarding claims 6, 15, and 24, Newdigate teaches the rotor is a substantially disc-shaped flywheel (reference 24).

Regarding claims 7, 16, and 25, Newdigate teaches the flywheel has a diameter of at least two thirds of the smallest bisector of the mirror surface (reference 24 is larger than reference 26).

Regarding claims 8, 17, and 26, Newdigate teaches the member for rotating the rotor is air driven (column 2 lines 26 – 34).

Regarding claims 9, 18, and 27, Newdigate teaches the member for rotating comprises vanes (reference 34) mounted to the rotor and an air passage (reference 36) arranged and constructed so as to direct air through the vanes (reference 42).

Regarding claims 10, 19, and 28, Newdigate teaches the member for rotating the rotor comprises an electric motor (reference 70).

Regarding claims 11, 20, and 29, Newdigate teaches the mirror frame comprises a case (reference 46) substantially encapsulating the support portion, rotor and mirror from behind the mirror surface.

Regarding claims 12 and 21, Newdigate teaches a support arm (reference 58) having a proximal and a distal end, the distal end for attaching to a vehicle and the mirror frame mounted on or integral with the proximal end of the support arm (column 2 lines 44 – 49).

Regarding claim 21, Newdigate teaches the mirror is mounted directly to or integral with the rotor (reference 26 is mounted directly to reference 24).

Regarding claim 30, Newdigate in view of Menzies et al teaches a vehicle mirror assembly as described above. Newdigate and Menzies et al do not teach the rotor is eccentrically mounted.

It would have been obvious to one of ordinary skill in the art at the time of the invention to mount the rotor of Newdigate in view of Menzies et al eccentrically in order to make manufacturing easier by reducing the centering tolerances.

Claims 4, 5, 13, 14, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newdigate in view of Menzies et al and further in view of Hayashi et al (US 4,540,252).

Regarding claims 4, 13, and 22, Newdigate in view of Menzies et al teaches a vehicle mirror assembly as described above. Newdigate further teaches the connection member comprises a pivot mounting (references 12, 46, 50, and 52) interposed between the mirror frame and the support portion. Newdigate does not teach the connection member comprises at least two legs operably interposed between the mirror frame and the support portion, each leg comprising an actuator for adjusting the no-load length of the leg and a vibration absorber connected in series to the actuator, wherein the actuator enables adjustment of the timed-averaged orientation of the mirror with respect to the mirror frame and the vibration absorbers reduce the transmission of vibration forces from the mirror frame to the support portion.

Hayashi et al teaches a vehicle mirror assembly with a connection member (Figure 2) that comprises a pivot mounting (reference 103a) interposed between the mirror frame (reference 1) and the support portion (reference 110); and at least two legs (references 116 and 117) operably

interposed between the mirror frame and the support portion, each leg comprising an actuator (references 106 and 107) for adjusting the no-load length of the leg and a vibration absorber (references 120 and 121) connected in series to the actuator, wherein the actuator enables adjustment of the timed-averaged orientation of the mirror with respect to the mirror frame (column 4 lines 27 – 42) and the vibration absorbers reduce the transmission of vibration forces from the mirror frame to the support portion (column 3 lines 5 – 8). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the connection member with a pivot mounting and at least two legs of Hayashi et al in place of the connection member with a pivot mounting in the vehicle mirror assembly of Newdigate in view of Menzies et al in order to automate the adjustment of the mirror angle.

Regarding claims 5, 14, and 23, Hayashi et al teaches the vibration absorbers each comprises a spring member (references 120 and 121). Hayashi et al does not teach the vibration absorbers each comprising a damper member.

Menzies et al teaches a vibration absorber that comprises a spring member (reference 58) and a damper member (reference 60) operable in parallel (column 3 lines 53 – 57). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the damping member of Menzies et al with the spring member of Hayashi et al in order to increase the vibration damping of the vibration absorbers (Menzies et al column 3 lines 53 – 57).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Denise S Allen whose telephone number is (571) 272-2305. The examiner can normally be reached on Monday - Friday, 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Denise S Allen
Examiner
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dsa

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